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Patent
Serial No. 10/521,134
Amendment in Reply to Final Office Action of September 9, 2006REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated September 6, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Publication No. 2002/0021635 to Park et al ("Park"). Claims 14-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Park in view of by U.S. Patent No. 5610893 to Soga et al ("Soga"). These rejections are respectfully traversed.

Park is directed to a recording and reproducing apparatus which includes a reproducing drive 101, main controller 111 and copy-protection disc table storage 114 as shown in Fig.1 of Park. In Park, the copyright-protected disc table storage 114 is (emphasis added) "for storing list of the discs to be copyrighted" (See, paragraph [0032]). The main controller 111 looks up a copyright-protected disc table to "obtain track information and track addresses" of discs stored in the table (see, paragraph [0035]). Next the main controller 111 checks the disc identifier

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with the track information and addresses of each track retrieved from the look-up table (see, [0036]). If the disc identifier is not found in the look-up table, the main controller 111 writes the identifier of the disk to the look-up table (see, paragraph [0048]).

The method of updating the lookup table in Park is by the main controller 111 adding the identifier to the look up table. Even presuming, in arguendo, that the table storage 114 and the lookup table are the primary and secondary databases (as proposed in Response to Arguments, page 5-6 of the Final Office Action), Park still does not show updating the primary database with information from the secondary database. In other words, Park clearly does not show updating the copy-protected disc table storage 114 with information from the lookup table. Park merely shows the main controller 111 writing the disc identifier to the lookup table if the disc identifier is not found in the look-up table.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Park. For example, Park does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided)

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"controlling a digital media recorder capable of recording digital media sequences on a digital media carrier, comprising the steps of: -extracting, from an input media sequence, a media sequence, a media sub-sequence, -calculating a sub-sequence digital fingerprint from the media sub-sequence - comparing the sub-sequence fingerprint with at least one first reference fingerprint, said first reference fingerprint being fetched from a primary database of fingerprints, yielding a first comparison value, - depending on the first comparison value, allowing or obstructing recording of the input media sequence on the media carrier, - comparing the sub-sequence fingerprint with at least one second reference fingerprint, said second reference fingerprint being fetched from a secondary database of fingerprints, yielding a second comparison value, - depending on the second comparison value, storing the fingerprint in the secondary database, - depending on at least the first comparison value, updating the primary database with information from the secondary database that the digital media sequence has been recorded on the media carrier" as required by claim 1 and as substantially required by claim 7. Sago is introduced to reject dependent claims and does not cure the noted defects in Park.

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In regard to the pending claims, Applicants respectfully submit the following comments.

Applicants can find nothing in Park that shows, teaches or describes updating the primary database with information from the secondary database, as recited in claim 1 and as substantially recited in Claim 7.

The Office Action states that the above features, as recited in independent claim 1, are shown in Park. Applicants respectfully disagree. The Applicants contend that it is not sufficient that two databases are found in Park, an issue that in and of itself is contended by the Applicants, the databases must interact as outlined above. Moreover, the MPEP section 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claims.

Applicants submit that the Office Action fails to make a prima facie case of anticipation because Park does not satisfy MPEP section 2131 as an anticipatory reference. Accordingly, withdrawal of the §102(b) rejection with regard to the claims is respectfully

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requested. These claims are therefore believed patentable over the art of record including Park for this reason alone.

However, the Applicants respectfully submit that the claims are allowable for additional reasons. In the Final Office Action, the Response to Arguments on page 5 states that in Park, the "identifier can comprises track numbers and address...which can be so call subsequence fingerprints". The Applicants respectfully disagree.

The present invention utilizes fingerprints that are derived from sub-sequences of the input media sequence. In other words, the sub-sequences are derived from the content directly, not from track numbers and addresses that refer to the content (e.g., see, the present patent application, page 8, lines 26-30). As an example, "[f]or each audio-minute the fingerprint of a contiguous 3/8 audio-sec fragment is stored in the database ..." (See, the present patent application, page 8, lines 13-14.) This is in contrast to the disc identifier information in Park which comprises track numbers and addresses of the entire disc.

It is respectfully submitted that a person of ordinary skill in the art would recognize that a disc identifier which comprises track numbers and addresses of the entire disc is not a fingerprint

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calculated from a media sub-sequence. There is a clear difference between track number/address information and a fingerprint calculated from "a one minute sub-sequence" (See page 7, lines 19-21) or an "interval of 5 or 10 minutes" (See page 7, lines 24-25). Therefore, Park clearly does not show a disk identifier consisting of a fingerprint calculated from a media sub-sequence.

Based on all of the foregoing, the Applicants respectfully submit that independent claims 1 and 7 are patentable over Park and notice to this effect is earnestly solicited. Claims 2-6 and 9-16 respectively depend from one of claims 1 and 7 and accordingly are allowable for at least these reasons. Each dependent claim is also deemed to define an additional aspect of the invention and individual consideration of the patentability of each on its own merits is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

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should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By



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